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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/642,506	08/18/2003	Christian Sebastian Seifert	1509-441	1691

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EXAMINER

LONG, ANDREA NATAE

ART UNIT PAPER NUMBER

2176

DATE MAILED: 12/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/642,506

Applicant(s)SEIFERT, CHRISTIAN
SEBASTIAN**Examiner**

Andrea N. Long

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 August 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 10/12/2006.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-22 have been examined in response to application filed 08/18/2003 with a foreign priority date of 08/16/2002.

Claim Rejections - 35 USC § 101

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 19 and 20 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

As to claims 19 and 20 a "computer program product including code, when executed on a computer system" lacks an explicit and deliberate definition in the original specification that it includes an appropriate medium as part of the product. A computer program product or software per se is non-statutory under 35 U.S.C 101.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-22 are rejected under 35 U.S.C. 102(b) as being anticipated by Rosenberg et al. (US Patent 6,128,006).

As to claim 1, Rosenberg teaches a graphical user computer interface enabling a user to open at least one menu (Fig. 9, column 17 lines 30-32) and to select an item of the menu by means of a pointing device (column 17 lines 32-36), said pointing device comprises a two-dimension actuator (Fig 1 reference character 12, column 6 lines 17-22), and a one-dimension actuator (Fig 1 reference character 16, column 4 lines 43-64) and controls a moveable pointer (cursor, column 16 lines 54-57) and a moveable menu item focus (column 17 lines 36-38),

wherein the interface is arranged such that the two-dimension actuator controls movements of the pointer (column 16 lines 54-57) , and

the one-dimension actuator is activated when the menu is opened to control movement of the menu item focus within the menu (column 17 lines 32-38).

As to claim 2, Rosenberg teaches after the menu has been opened, the pointer stays at the position it was in when the menu was opened, while the menu item focus is moveable within the menu by means of the pointing device without moving the pointer (column 17 lines 30-38).

As to claim 3, Rosenberg teaches that the menu is opened by positioning the pointer on a displayed element, associated with the menu, with clicking on the element (column 4 lines 40-41, column 17 lines 30-32).

As to claim 4, Rosenberg teaches that the menu item is activated by positioning the focus on it, with clicking on the menu item (column 5 lines 8-11, column 17 lines 32-38).

As to claim 5, Rosenberg teaches an operational shift from a pointer modus to a menu item focus modus is activated automatically upon opening of the menu (column 17 lines 30-38→ Rosenberg discloses a pointer being operated by a mouse can be automatically disable once the menu has been opened then an item selection bar can be utilized for selecting a menu item).

As to claim 6, Rosenberg teaches the menu item focus is movable while the menu is fixed, upon operation of the one-dimension actuator (Fig 9, column 17 lines 30-38).

As to claim 7, Rosenberg teaches that the menu is closed by a relative movement of the menu item focus out of the menu, by operating the one-dimension actuator, or by selecting a menu closing item with the one-dimension actuator or the two-dimension actuator. As discussed above Rosenberg allows the one or two dimension actuator to select a menu item. It's inherent if the menu item correlates to an exit as displayed in Fig 9 or close menu item the menu would close).

As to claim 8, Rosenberg teaches that an operation modus shifts from a menu item focus modus back to a pointer modus upon closing of the menu. It is inherent that upon closing of the menu would eliminate the highlighter/menu item selection bar, which the mouse that controls the movement of the pointer would be enabled.

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As to claim 9, Rosenberg teaches wherein the one-dimension actuator is a wheel (column 17 lines 32-34).

As to claim 10, Rosenberg teaches graphical user computer interface enabling a user to open at least one menu (Fig. 9, column 17 lines 30-32) and to select an item of the menu by means of a pointing device (column 17 lines 32-36), said pointing device controlling a moveable pointer (cursor, column 16 lines 54-57) and a moveable menu item focus (column 17 lines 36-38),

wherein the interface is arranged such that, after the menu has been opened, the pointer stays at the position it was in when the menu was opened, while the menu item focus is moveable within the menu by means of the pointing device without moving the pointer (column 17 lines 30-38).

As to claim 11, Rosenberg teaches that the menu is opened by positioning the pointer on a displayed element, associated with the menu, with clicking on the element (column 4 lines 40-41, column 17 lines 30-32).

As to claim 12, Rosenberg teaches that the menu item is activated by positioning the focus on it, with clicking on the menu item (column 5 lines 8-11, column 17 lines 32-38).

As to claim 13, Rosenberg teaches that an operational shift from a pointer modus to a menu item focus modus is activated automatically upon opening of the menu (column 17 lines

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30-38→ Rosenberg discloses a pointer being operated by a mouse can be automatically disabled once the menu has been opened then an item selection bar can be utilized for selecting a menu item).

As to claim 14, Rosenberg teaches that the menu item focus is movable while the menu is fixed, by operating the pointing device (Fig 9, column 17 lines 30-38).

As to claim 15, Rosenberg teaches that the menu is closed by a relative movement of the menu item focus out of the menu, by operating the two-dimension actuator, or by selecting a menu closing item with the two-dimension actuator. As discussed above Rosenberg allows the one or two dimension actuator to select a menu item. It's inherent if the menu item correlates to an exit as displayed in Fig 9 or close menu item the menu would close).

As to claim 16, Rosenberg teaches wherein the pointing device is a computer-mouse (column 6 lines 17-20).

As to claim 17, Rosenberg teaches a computer (Fig. 1 reference character 18) comprising a display (Fig 1 reference character 20) and a pointing device (Fig 1 reference character 12) with a two-dimension actuator (mouse) and a one-dimension actuator (wheel),

said computer is programmed such that it provides a graphical user interface enabling a user to open at least one menu in the display (Fig. 9, column 17 lines 30-32) and to select an item of the menu by means of the pointing device (column 17 lines 32-36), and

that the pointing device controls a moveable pointer (cursor, column 16 lines 54-57) and a moveable menu item focus (column 17 lines 36-38) such that the two-dimension actuator controls movements of the pointer (column 16 lines 54-57), and

the one-dimension actuator is activated when the menu is opened to control movement of the menu item focus within the menu (column 17 lines 32-38).

As to claim 18, Rosenberg teaches a computer (Fig. 1 reference character 18) comprising a display (Fig 1 reference character 20) and a pointing device (Fig 1 reference character 12), said computer is programmed such that it provides a graphical user interface enabling a user to open at least one menu in the display (Fig. 9, column 17 lines 30-32) and to select an item of the menu by means of the pointing device (column 17 lines 32-36),

that the pointing device controls a moveable pointer (cursor, column 16 lines 54-57) and a moveable menu item focus (column 17 lines 36-38), such that

after the menu has been opened, the pointer stays at the position it was in when the menu was opened, while the menu item focus is moveable within the menu by means of the pointing device without moving the pointer (column 17 lines 30-38).

Claims 19 and 21 are rejected under the same basis as Claim 1.

Claims 20 and 22 are rejected under the same basis as Claim 10.

Conclusion

5. The prior art made of record on Form PTO 892 and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrea N. Long whose telephone number is 571-270-1055. The examiner can normally be reached on Mon - Thurs 7:30 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Herndon can be reached on 571-272-4136. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Andrea N. Long
12/06/2006

William L. Bashore
WILLIAM BASHORE
PRIMARY EXAMINER